

REMARKS

Claims 1-21, 31-40, 50, and 53-64 are pending in this application after this amendment. Claims 1, 12, 31, 37, 50 and 53 are independent claims. New claim 64 has been added. No new matter has been added by the addition of this new claim. In light of the remarks included herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner objected to the drawings and the specification. The Examiner further rejected the pending claims under 35 U.S.C. §112, first and second paragraphs. Applicants respectfully traverse these rejections.

PRELIMINARY COMMENTS

Applicants filed their previous reply with a Request for Review by Supervisory Examiner in accordance with MPEP §707.02. However, Applicants have received no indication that this application and the outstanding rejections have been reviewed by a Supervisor in accordance with Applicants' properly filed Request. Applicants respectfully request the Examiner's Supervisor properly review the instant application in accordance with Applicants' previously filed Request prior to the Examiner's formal consideration of the issues presented herein on the merits.

Further, Applicants are filing concurrently herewith a Request for Interview. Applicants respectfully request the Examiner contact the undersigned to schedule and conduct a personal interview with his Supervisor prior to the Examiner's formal consideration of the issues presented herein on the merits.

Drawing Objections

In Applicants' reply filed June 5, 2007, Applicants filed substantive arguments against the Examiner's objection to the drawings. In addition, Applicants stated in their arguments that they did not understand the Examiner's statement that confuses the terms "subregions" and "positions." Applicants requested clarification of the objections so that Applicants could have a proper opportunity to respond.

In response to Applicants' arguments, the Examiner merely repeats the previous objection and responds as follows:

However, it is clear that that only by introducing the third coordinate, area will be incapable of being encoded in its entirety by the position coding pattern on any single base,

because each page (fig. 5, item 212) is particular size (paragraph 0167), but subregions (210-212) are not continuous.”

Applicant respectfully submits that this statement does not address Applicants arguments and further, again, confuses the terms as they appear in the claim. First, the Examiner’s statement that the subregions 210-212 are not continuous is incorrect. As disclosed in paragraphs [0154] and [0167], the subregions 210-212 are, in fact, continuous. Second, the element the Examiner is objecting to, i.e., as recited in claim 1, is “the position coding pattern codes an area of unique, **continuous positions** in two dimensions and said area is incapable of being encoded in its entirety by the position coding pattern on any single base.” This recitation clearly refers to continuous positions.

The Examiner’s attention is directed to Applicants’ arguments filed June 5, 2007. Based on these arguments, Applicants respectfully submit that the objections to the drawings are wholly improper. Applicants respectfully request proper consideration of all of Applicants’ arguments filed herein and filed on June 5, 2007.

The Examiner is reminded that MPEP §707.07(f) requires the Examiner to properly consider all material traversed. Specifically, MPEP §707.07(f) recites as follows:

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment.

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it.

If applicant’s arguments are persuasive and upon reconsideration of the rejection, the examiner determines that the previous rejection should be withdrawn, the examiner must provide in the next Office communication the reasons why the previous rejection is withdrawn by referring specifically to the page(s) and line(s) of applicant’s remarks which form the basis for withdrawing the rejection. It is not acceptable for the examiner to merely indicate that all of applicant’s remarks form the basis for withdrawing the previous rejection. Form paragraph 7.38.01 may be used. If the withdrawal of the previous rejection results in the allowance of the claims, the reasons, which form the basis for the withdrawal of the previous rejection, may be included in a reasons for allowance. See MPEP § 1302.14. If applicant’s arguments are persuasive and the examiner determines that the previous rejection should be withdrawn but that, upon further consideration, a new ground of rejection should be made, form paragraph 7.38.02 may be used. See MPEP § 706.07(a) to determine whether the Office action may be made final.

Applicants respectfully request, again, the Examiner properly consider all of the arguments set forth in their reply filed June 5, 2007, and the arguments set forth herein and properly respond thereto. Further, Applicants request that should the Examiner maintain his objection to the drawings, that he clearly establish his objection on the record so that Applicants may properly respond.

Specification Objections

The Examiner reasserted his objection to the specification. However, the Examiner has failed to consider Applicants' previous arguments filed June 5, 2007, against this objection. The Examiner is reminded that he is required under MPEP §707.07(f) to properly address all material traversed. If the Examiner maintains his objection to the specification, Applicants request the Examiner properly respond on the record to their arguments.

Claim Rejections – 35 U.S.C. §112, first paragraph

The Examiner reasserted his rejection under 35 U.S.C. §112, first paragraph. However, the Examiner has failed to consider Applicants' previous arguments filed June 5, 2007, against this objection. The Examiner is reminded that he is required under MPEP §707.07(f) to properly address all material traversed. If the Examiner maintains his rejection, Applicants request the Examiner properly respond on the record to their arguments.

Claim Rejections – 35 U.S.C. §112, second paragraph

The Examiner reasserted his rejection under 35 U.S.C. §112, second paragraph. However, the Examiner has failed to consider Applicants' previous arguments filed June 5, 2007, against this objection. The Examiner is reminded that he is required under MPEP §707.07(f) to properly address all material traversed. If the Examiner maintains his rejection, Applicants request the Examiner properly respond on the record to their arguments.

Additional Comments

Applicants argued in their June 5, 2007, reply that the Examiner's failure to consider the claims on the merits was wholly improper and not in accordance with MPEP §707.07(g). Not only did the Examiner fail to address Applicants' arguments, the Examiner, again, failed to consider the claims on the merits. Applicants respectfully request the Examiner properly address and consider this argument, and, further, request the Examiner consider the claims on their merits.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 29, 2007

Respectfully submitted,

By 
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